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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/720,879

03/26/2001

Harry Wiljan

Q62284

6749

7590

05/26/2006

Sughrue Mion Zinn

MacPeak & Seas

2100 Pennsylvania Avenue NW

Washington, DC 20037-3213

EXAMINER

HALPERN, MARK

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/720,879

Applicant(s)

WILJAN ET AL.

Examiner

Mark Halpern

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.  
5) ☒ Claim(s) 11-30 is/are allowed.  
6) ☒ Claim(s) 31 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1) A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/16/2006 has been entered.

In the Amendment received 3/16/2006, claim 11 is amended, and new claim 31 is offered for consideration. Non-elected claims 1-10 remain withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) Claim 31 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wiljan (5,377,917). Wiljan discloses pulping vessel 13 used to process waste paper. The vessel includes a central impeller 14, rotating about a vertical axis by means of motor 15 and belt 16, a centrally located perforate sieve located at the bottom of the vessel, a lock chamber 18 for removal of heavy substances. Wiljan discloses a raking device 22 associated with the pulping vessel 13, and comprises a tine carrier 23 by a support arm, the tine carrier is vertically adjustable and is provided with tines 23' (on a frame grid structure) which are adapted to be immersed below the liquid level 24 in the pulping vessel 13 to catch lightweight substances. The raking device has its own support structure independent of the pulping vessel, and reads on the claimed coarse dirt collector. The tine carrier 23 is pivotally movable for its immersed position shown in solid lines in Figure 4 to the position shown in dotted lines outside the pulping vessel so that the lightweight substances which have been caught will then fall from the tines onto a shredder for further processing. The pivotal movement is about an axis of rotation positioned at an angle to the plane that is vertical to the axis of the pulper vessel, or in least it would have been obvious to one skilled in the art at the time the invention was made that the pivotal movement is about an axis of rotation positioned at an angle to the plane that is vertical to the axis of the pulper vessel (col. 6, line 49 to col. 7, line 27, col. 10, lines 9-36, and Figures 2, 4). It would have been obvious, to one skilled in the art at the time the invention was made, that for the pivoting movement into and out of the pulper vessel without a picking up within the pulper up and a dropping outside the pulper and back

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again, the pivotable movement of the raking device 22 and the tine carrier 23 be limited to only one axis of rotation.

***Allowable Subject Matter***

3) Claims 11-30 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indicating allowable subject matter is that the cited prior art does not disclose an apparatus, wherein a coarse dirt collector is arranged above a pulper vessel, and includes a moving means for providing an inward pivoting movement of the coarse dirt collector by a single unitary movement of said collector from a picking up position within the pulper up to a dropping position outside the pulper and back again (claim 11).

***Response to Amendment***

4) Claims 11-19, 24-29, rejection under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wiljan (5,377,917) is withdrawn.

5) Claims 20-23, 30, rejection under 35 U.S.C. 103(a) as being unpatentable over Wiljan (5,377,917) in view of Wiljan (6,379,505), is withdrawn.

6) Note: Figures A, B, C, submitted with Amendment received 3/16/2006, are for illustrating the Applicants argument and are not official drawings. Figures 1, 2, are the official drawings.

**Conclusion**

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Halpern  
Primary Examiner  
Art Unit 1731